

Categorical Exclusion Documentation
DHS/CBP Ajo Station Amendment
DOI-BLM-AZ-P020-2012-003-CX

A. Background

BLM Office: ***Lower Sonoran Field Office (LSFO)***

Lease/Serial/Case File No.: AZA-33972

Proposed Action Title/Type: Right-of-Way Amendment for the DHS/CBP Ajo Station

Location of Proposed Action: T. 13 S., R. 5 W., Sec. 24, portions of SW¼.

Description of Proposed Action: The US Department of Homeland Security (USDHS) has applied for an amendment to their existing 30 acre ROW for a border patrol station, directly north of Why, AZ along SR-85. The USDHS would like to include an additional 11 acres of public land to their existing ROW station. The additional 11 acres use to be withdrawn to the USDHS for a border patrol station and the land is currently disturbed with existing (but vacant) structures. The 11 acre withdrawal expired in 2005 and the USDHS would now like to consolidate these 11 acres into their existing 30 acre ROW, which lies directly north of the 11 acre expired withdrawal site (refer to attached map).

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: The Lower Gila South Resource Management Plan (as amended).

This proposed action has been reviewed for conformance with these plans (43 CFR 1610.5-3, BLM Manual 1601.04.C.2)

Date Approved/Amended: June 1988

☐ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

X The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions): Lower Gila South Resource Management Plan and Final Environmental Statement (June 1988), states on page 11: “Lower Gila Resource Area processes a variety of lands actions in the Lower Gila South RMP/EIS area – rights-of way, communication sites, easements, permits and unauthorized occupancy. All lands cases would continue to be evaluated on a case by case basis.”

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.5: *E. (16) “Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for use of existing facilities, improvements or sites for the same or similar purposes”.*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The

proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 or 516 DM 11.5 apply.

D: Signature

Authorizing Official: _____/s/_____

Date: ____03/28/2012__

Emily Garber
Field Manager, LSFO

Contact Person

For additional information concerning this CX review, contact:
Jim Andersen (623-580-5570) jvanders@blm.gov

BLM Categorical Exclusions: Extraordinary Circumstances¹
Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety		
Yes <input type="checkbox"/>	No X	Rationale:
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
Yes <input type="checkbox"/>	No X	Rationale:
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes <input type="checkbox"/>	No X	Rationale:
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes <input type="checkbox"/>	No X	Rationale:
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes <input type="checkbox"/>	No X	Rationale:
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes <input type="checkbox"/>	No X	Rationale:
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
Yes	No	Rationale:

¹ If an action has any of these impacts, you must conduct NEPA analysis.

<input type="checkbox"/>	X	
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
Yes	No	Rationale:
<input type="checkbox"/>	X	

**Approval and Decision
Attachment 2**

Compliance and assignment of responsibility: Jim Andersen

Monitoring and assignment of responsibility: Jim Andersen

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: _____/s/_____ **Date::** 03 / 22 / 12

Jim Andersen
Project Lead

Reviewed by: _____/s/_____ **Date::** 03 / 28 / 12

Leah Baker
Planning & Environmental Coordinator

Reviewed by: _____/s/_____ **Date:** 03 / 28 / 12

Emily Garber
Manager

Project Description:

The US Department of Homeland Security (USDHS) has applied for an amendment to their existing 30 acre ROW for a border patrol station, directly north of Why, AZ along SR-85. The USDHS would like to include an additional 11 acres of public land to their existing ROW station. The additional 11 acres use to be withdrawn to the USDHS for a border patrol station and the land is currently disturbed with existing (but vacant) structures. The 11 acre withdrawal expired in 2005 and the USDHS would now like to consolidate these 11 acres into their existing 30 acre ROW, which lies directly north of the 11 acres expired withdrawal site (refer to attached map).

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following Mitigating Measures.

Approved By: _____/s/_____ **Date:** __03/28/2012__

Emily Garber, Field Manager, LSFO

MITIGATION MEASURES – AZA-33972

1. All applicable regulations in accordance with 43 CFR 2800.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. All stipulations for the original grant (AZA-33876, EXHIBIT A, July 20, 2007) continue to apply.
4. Any transfer of responsibilities of the lands at the Ajo Station must first be approved by the authorized officer of the Bureau of Land Management following the regulations at 43 CFR 2807.21.